

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 15-CR-416 WHA
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER OF DETENTION
	)	
v.	)	
	)	
ENZO CESTONI,	)	
	)	
Defendant.	)	

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The defendant, Enzo Cestoni, is charged in the Second Superseding Indictment with two counts of being an alien in possession of a firearm in violation of 18 U.S.C. § 922(g)(5). He has pleaded not guilty and a jury trial will begin on November 7, 2016 before the Honorable William Alsup.

On October 19, 2016, the defendant appeared before the Court for a bail review hearing. The defendant was present and represented by Assistant Federal Public Defender Galia Amram. Special Assistant United States Attorney Philip Kopczynski appeared for the government. Anthony Granados appeared for U.S. Pretrial Services.

Pretrial Services submitted a memorandum that recommended that the defendant be remanded based on violations of the conditions of his pretrial release. Officer Granados expressed particular concern about the defendant's disrespect toward him and his fellow officers, and about the defendant's

1 repeated disregard of the conditions of his release. The government joined Pretrial Services in  
2 recommending that the Court remand the defendant. The defendant recommended that he be evaluated  
3 for residential drug treatment and/or placed in custody for two weeks.

4       Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on  
5 the record, the Court finds by a preponderance of the evidence that no condition or combination of  
6 conditions will reasonably assure the appearance of the defendant, and further finds by clear and  
7 convincing evidence that no condition or combination of conditions will reasonably assure the safety of  
8 other persons and the community. The defendant has not shown that he possesses the attitude or  
9 temperament required for success in residential drug treatment. The defendant is remanded to the  
10 custody of the U.S. Marshal.

11       This order supplements the Court's findings and order at the bail review hearing and serves as  
12 written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). These findings  
13 are made without prejudice to the defendant's right to seek review of his detention should new  
14 information arise.

15       Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

16       1.     The defendant be committed to the custody of the Attorney General for confinement in a  
17 corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or  
18 being held in custody pending appeal.

19       2.     The defendant be afforded reasonable opportunity for private consultation with counsel;  
20 and

21       3.     On order of a court of the United States or on request of an attorney for the government,  
22 the person in charge of the corrections facility in which the defendant is confined shall deliver the  
23 defendant to an authorized U.S. Marshal for the purpose of any appearance in connection with a court  
24 proceeding.

25       IT IS SO ORDERED.

26 DATED: October 20, 2016



27 HON. SALLIE KIM  
28 United States Magistrate Judge